

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

GARY RICHMOND  
and ANNA RICHMOND,

Plaintiffs,

v.

CASE NO. 5:12-0191  
(formerly C.A. No. 11-C-996-B, in the  
Circuit Court of Raleigh County, W. Va.)

GE MONEY BANK,  
*A Federal Savings Bank,*

Defendant.

**NOTICE OF REMOVAL**

1. Defendant GE Money Bank (“GEMB”), hereby removes the above-captioned action to the United States District Court for the Southern District of West Virginia pursuant to 28 U.S.C. § 1441(b). The basis for federal court jurisdiction is 28 U.S.C. § 1331.

2. GEMB is a defendant in the action entitled *Gary Richmond & Anna Richmond v. GE Money Bank*, Civ. Act. No. 11-C-996-B, pending in the Circuit Court of Raleigh County, West Virginia.

3. Pursuant to 28 U.S.C. § 1446(a), GEMB attaches as Exhibit A, all “process, pleadings, and orders” served upon GEMB in this action to date.

4. Plaintiffs allege in Count One of the Complaint that GEMB has violated a federal statute, the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”). Plaintiff’s TCPA claim arises under the laws of the United States, and the United States District Court therefore has federal question jurisdiction over that claim. 28 U.S.C. § 1331; *Mims v. Arrow Fin.*

*Servs.*, \_\_ U.S. \_\_\_, 2012 WL 125429 (Jan. 18, 2012). Because the TCPA claim arises under the laws of the United States, the action is removable to this Court pursuant to 28 U.S.C. § 1446(b).

5. Plaintiff's Summons and Complaint were received by the West Virginia Secretary of State on December 27, 2011. Therefore, this Notice of Removal is being filed in a timely manner pursuant to 28 U.S.C. § 1446(b).


6. Written notice of the filing of this Notice of Removal will be given to Plaintiffs. Written notice of this Notice of Removal and a copy thereof will be filed with the Circuit Court of Raleigh County, West Virginia, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, defendant GEMB, prays this action to proceed to this Court as an action properly removed thereto.

GE MONEY BANK,

Defendant,

BY COUNSEL:



\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I, Zackary B. Mazey, counsel for defendant GE Money Bank, do hereby certify that service of the foregoing “**Notice of Removal**” has been made upon the following counsel by depositing a true copy thereof in the regular course of the United States mail, postage prepaid, on this 26<sup>th</sup> day of January, 2012, addressed as follows:

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